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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the chapter 7 estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:
BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BANK VONTOBEL AG f/k/a BANK J.
VONTOBEL & CO. AG and VONTOBEL
ASSET MANAGEMENT INC.,

Defendant.

Adv. Pro. No. 12-01202 (CGM)

**DECLARATION OF CHARDAIE C. CHARLEMAGNE IN SUPPORT OF THE
TRUSTEE'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

I, Chardaie C. Charlemagne, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the New York Bar and an attorney at Baker & Hostetler LLP, counsel for plaintiff Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this declaration in support of the Trustee’s opposition to Defendants’ motion to dismiss the Complaint filed in the above-captioned adversary proceeding, as amended by Stipulation and Order entered on April 25, 2022. ECF No. 109.

3. Although several documents attached to this Declaration are stamped confidential, the Trustee’s records indicate that the producing parties have de-designated the documents as not confidential under the Litigation Protective Order entered in this liquidation. *See SIPC v. BLMIS (In re BLMIS)*, Adv. Pro. No. 08-01789 (CGM) (Bankr. S.D.N.Y. June 6, 2011 & Sept. 17, 2003), ECF Nos. 4137 & 5474. In addition, all personal identifying information has been redacted.

4. Attached as **Exhibit 1** is a true and correct copy of Vontobel Asset Management Inc.’s Webpage Company Profile as of March 31, 2015 (PUBLIC0660763).

5. Attached hereto as **Exhibit 2** is a true and correct copy of a List of Historical Fairfield Sentry Limited (“Sentry”) shareholders, including Bank Vontobel AG f/k/a Bank J. Vontobel & Co. AG (“Bank Vontobel”), dated August 30, 1995 (CFSSAP0000026).

6. Attached hereto as **Exhibit 3** in redacted form is a true and correct copy of a Sentry Subscription Agreement for Bank Vontobel transmitted on October 17, 2002 (FJLVAA0000027).

7. Attached hereto as **Exhibit 4** in redacted form is a true and correct copy of a Sentry Subscription Agreement for Bank Vontobel dated January 25, 2006, along with Citco Shares Issued Confirmation dated February 10, 2006, Citco Cash Received Confirmation dated February 2, 2006, Citco Subscription Order Confirmation dated January 26, 2006, and related correspondence (ANWAR-CFSE-00203378).

8. Attached as **Exhibit 5** in redacted form is a true and correct copy of Sentry's Private Placement Memorandum dated July 1, 2002 (FGGSAC0016131).

9. Attached as **Exhibit 6** in redacted form is a true and correct copy of a Citco Sentry redemption order confirmation for Bank Vontobel dated June 13, 2006 (CFSSAO0004610).

10. Attached as **Exhibit 7** in redacted form is a true and correct copy of a Citco Sentry redemption order confirmation for Bank Vontobel dated October 13, 2006 (CFSSAO0025781).

11. Attached as **Exhibit 8** in redacted form is a true and correct copy of a Citco Sentry redemption order confirmation for Bank Vontobel dated January 4, 2007 (CFSSAL0011113).

12. Attached as **Exhibit 9** in redacted form is a true and correct copy of a Citco Sentry redemption order confirmation for Bank Vontobel dated March 9, 2007 (CFSSAL0004985).

13. Attached as **Exhibit 10** in redacted form is a true and correct copy of a Citco Sentry redemption order confirmation for Bank Vontobel dated April 3, 2007 (CFSSAL0019908).

14. Attached as **Exhibit 11** in redacted form is a true and correct copy of a Citco Sentry redemption order confirmation for Bank Vontobel dated May 11, 2007 (CFSSAL0023333).

15. Attached as **Exhibit 12** in redacted form is a true and correct copy of a Citco Sentry redemption order confirmation for Bank Vontobel dated July 17, 2007 (CFSSAM0012058).

16. Attached as **Exhibit 13** in redacted form is a true and correct copy of a Citco Sentry redemption order confirmation for Bank Vontobel dated August 7, 2007 (CFSSAM0012790).

17. Attached as **Exhibit 14** in redacted form is a true and correct copy of a Citco Sentry redemption order confirmation for Bank Vontobel dated August 23, 2007 (CFSSAM0016715).

18. Attached as **Exhibit 15** in redacted form is a true and correct copy of a Citco Sentry redemption order confirmation for Bank Vontobel dated September 19, 2007 (CFSSAM0016255).

19. Attached as **Exhibit 16** in redacted form is a true and correct copy of a Citco Sentry request for wire transfer payment for Bank Vontobel dated July 19, 2006 (CFSSAO0004604).

20. Attached as **Exhibit 17** in redacted form is a true and correct copy of a Citco Sentry request for wire transfer payment for Bank Vontobel dated November 13, 2006 (CFSSAO0025779).

21. Attached as **Exhibit 18** in redacted form is a true and correct copy of a Citco Sentry request for wire transfer payment for Bank Vontobel dated January 15, 2007 (CFSSAL0011005).

22. Attached as **Exhibit 19** in redacted form is a true and correct copy of a Citco Sentry request for wire transfer payment for Bank Vontobel dated on February 14, 2007 (CFSSAL0011110).

23. Attached as **Exhibit 20** in redacted form is a true and correct copy of a Citco Sentry request for wire transfer payment for Bank Vontobel dated April 16, 2007 (CFSSAL0004984).

24. Attached as **Exhibit 21** in redacted form is a true and correct copy of a Citco Sentry request for wire transfer payment for Bank Vontobel dated August 16, 2007 (CFSSAM0012054).

25. Attached as **Exhibit 22** in redacted form is a true and correct copy of a Citco Sentry request for wire transfer payment for Bank Vontobel dated September 18, 2007 (CFSSAM0012470).

26. Attached as **Exhibit 23** in redacted form is a true and correct copy of a Citco Sentry request for wire transfer payment for Bank Vontobel dated October 12, 2007 (CFSSAM0016713).

27. Attached as **Exhibit 24** in redacted form is a true and correct copy of a Citco Sentry request for wire transfer payment for Bank Vontobel dated October 12, 2007 (CFSSAM0017188).

28. Attached hereto as **Exhibit 25** in redacted form is a true and correct copy of Kingate Global Fund, Ltd.'s Amended and Restated Information Memorandum dated May 1,

2006 (TGH-EMAIL-00602350).

29. Attached hereto as **Exhibit 26** is a true and correct copy of a Sentry Subscription Agreement for Bank Vontobel dated December 16, 2005.

30. Attached hereto as **Exhibit 27** is a true and correct copy of a Sentry Subscription Agreement for Bank Vontobel dated September 11, 2006 (CFSSAO0016434).

31. Attached as **Exhibit 28** is a true and correct copy of Fairfield Greenwich Group's ("FGG") annual employee census dated from 2000 through 2007 (SECSEV0897773).

32. Attached as **Exhibit 29** is a true and correct copy of email correspondence dated October 17-20, 2008, between FGG personnel, listing Bank Vontobel amongst the largest Sentry clients and identifying Lourdes Barreneche of FGG's New York office as designated client agent (SECSEV1344981).

33. Attached as **Exhibit 30** is a true and correct copy of email correspondence dated August 26, 2003 between Bank Vontobel and FGG New York personnel concerning a \$1,095,000 Sentry investment (SECSEV0671689).

34. Attached as **Exhibit 31** is a true and correct copy of email correspondence dated August 26, 2003 between FGG New York personnel identifying Lourdes Barreneche as Bank Vontobel's Sentry relationship manager and concerning a telephone call from Bank Vontobel requesting an approximately \$1M Sentry investment (SECSEV1772568).

35. Attached as **Exhibit 32** is a true and correct copy of email correspondence dated July 25, 2006, amongst FGG personnel and Bank Vontobel concerning recent meeting with Lourdes Barreneche and Bank Vontobel's receipt from Barreneche of weekly and monthly Sentry and Fairfield Sigma Limited information updates (FGANW005412784.)

36. Attached as **Exhibit 33** is a true and correct copy of a facsimile cover page from FGG to Bernard L. Madoff identifying FGG and Bank Vontobel attendees for meeting with Madoff (FGGSAC0017322).

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: September 8, 2022

/s/ Chardaie C. Charlemagne
Chardaie C. Charlemagne